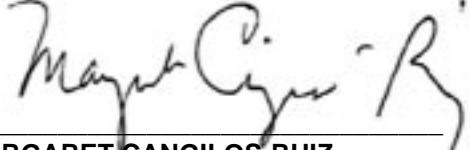## SO ORDERED.

**SIGNED this 09 day of November, 2009.**

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**MARGARET CANGILOS-RUIZ
UNITED STATES BANKRUPTCY JUDGE**

_____

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK
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IN RE:

Douglas Arthur Card & Heather Terri
Card,

                    DEBTORS.

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CASE NO.: 09-30574-mcr

Chapter: 13

JUDGE: Margaret M. Cangilos-Ruiz

### ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

Upon the Application dated July 23, 2009, (the "Application") of U.S. Bank, N.A. (the "Movant"), by its attorneys, Rosicki, Rosicki & Associates, P.C., seeking an Order: (i) modifying and terminating the automatic stay to permit the Movant to exercise all of its rights and remedies with respect to certain collateral consisting of the real property known as 140 Gaskill Road, Owego, NY 13827 (the "Premises"); and (ii) granting Movant such other and further relief as the Court deems just and proper; and

The Application having come before this Court on September 1, 2009 and no opposition to the relief requested having been filed; and in consideration of the foregoing, and upon the affidavit of service filed with the Court, and after due deliberation, the relief requested appearing reasonable, proper and warranted in fact and by law under Section 362(d) of the Code to permit Movant or any affected party to exercise all of its rights and remedies under applicable law with respect to the Premises, it is hereby

**ORDERED** that the Application of Movant is granted modifying the automatic stay to allow Movant, its successors and/or assigns, or any affected party to commence and/or continue with a foreclosure action and eviction proceeding with respect to the Premises; and it is further

**ORDERED** that Movant may obtain a determination of any deficiency due it, if allowed under state law, and may file a proof of claim as an unsecured creditor for any such deficiency awarded therein, and the Trustee and/or the Debtor may object to such claim, and it is further

**ORDERED** that the case trustee shall be notified of any surplus monies from the sale of the Premises.

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